Relations with Private Organizations

Sponsorship and Logistic Support

Ethics Principles

- Personnel shall not use Government property for other than authorized purposes.
- Personnel shall not use public office for private gain.
- Personnel shall not give preferential treatment to any private organization or individual.
- Personnel shall not hold financial interests that conflict with their conscientious performance of duty.

Statutes and Regulations

- 18 U.S.C. § 205: Representing parties before the Government
- 18 U.S.C. § 209: Accepting outside payment for performance of official duties
- 18 U.S.C. § 208: Conflicting financial interests
- 18 U.S.C. § 1913: Lobbying Congress
- 5 C.F.R. § 2635.402: Conflicting financial interests
- 5 C.F.R. § 2635.502: Conflicting personal and business relationships (Impartiality Regulation)
- 5 C.F.R. § 2635.802: Conflicting outside employment and activities

Joint Ethics Regulations

- JER: 3-202: Management of private organizations
- JER: 3-203: Impartiality of agency designee
- JER: 3-204: Impartiality of employee
- JER: 3-205: May not receive unofficial pay for performing official duties
- JER 3-306: Prior approval of outside employment and business activities

Army Regulations

- AR 210-22, Private Organizations on Department of the Army Installations
- AR 360-1, The Army Public Affairs Program
- AR 600-29, Fund-raising within the Department of the Army
- AR 600-20, Army Command Policy
- Army OGC Memo 14 June 2004 (Co-Sponsorship)
- Army OGC Memo 19 August 2004 (Logistical Support)

What's the BIG DEAL?

- Government resources, time, or equipment may not be used for unauthorized purposes.
- Employees shall act impartially and not give preferential treatment to any private organization or individual
- Employees may not use or permit use of their Government position, title, or authority to endorse any product, service, or enterprise.

Groups with Statutory Authority

- American Registry of Pathology (10 U.S.C. § 177)
- Henry M. Jackson Foundation for the Advancement of Military Medicine (10 U.S.C. § 178)
- American National Red Cross (10 U.S.C.§ 2552, 2602; DoDI 1330.5)
- Boy Scout Jamborees (10 U.S.C. § 2554)
- Boy Scouts in foreign areas (10 U.S.C. § 2606)
- Girl Scouts International Events (Transportation) (10 U.S.C. § 2555)
- Shelter for Homeless (10 U.S.C. § 2556)
- National Military Associations; Assistance at National Conventions
  - 10 U.S.C. § 2558 Allows national military associations, designated by the Secretary of Defense, to receive limited support for **annual** conferences and conventions.
  - ***Statute does not authorize similar support for regional conferences or conventions, or symposia.***
- SEE JER 3-212

Typical Private Organization Service Requests

- Use DoD personnel as ushers, guards, escorts, messengers, parking lot attendants
- Entertainment by Bands, Choral Groups, Color Guards
- Speakers at private fundraising events
- Speakers at meetings limited to personnel from one business entity, e.g. corporate annual meeting
- Speakers at for-profit conferences
- Speakers at meetings of partisan political groups
- Attend event as “star attraction.”
- Manage non-Federal entities

Other Types of Requests

- Use of Army facilities such as conference space for meetings involving both Government personnel and non-Federal personnel
- Requests for endorsements
- The Army may acknowledge past services or contributions rendered to the agency by the non-Federal entity. Such acknowledgements should be factual and guard against hyperbole and expressions of future success.

Co-Sponsorship

- Army OGC Memo 14 June 2004
  - All co-sponsorship agreements must be in writing and signed by representatives of both parties
  - Must be approved by DAEO or ADAEO
  - No DAEO or ADAEO approval means NO co-sponsorship

JER 3-206 Co-Sponsorship

- *What is CS?* Developing *substantive aspects* of an event or providing *substantial* logistical support for an event
- Co-Sponsorship prohibited, except for:
  - Civic or community activity when activity is unrelated to purpose or business of co-sponsoring non-Federal entities
  - Conference, seminar, or similar activity under certain conditions

Co-Sponsor Conference, Etc

- Topic is relevant to DoD mission
- Purpose is to stimulate interest in professional issues
- Non-Federal entity is a recognized organization, approved by component DAEO,
- Written agreement exists
- Admission fees
  - Are none, or
  - Cover only the reasonable costs of the event, or
  - Cover only the reasonable costs of that portion of the event supported by DoD

Commercial Sponsorship

- “The act of providing assistance, funding, goods, services … to a MWR program(s) or event(s) by an individual …association … company…in return for public recognition or advertising promotions.”
- DO NOT Confuse with 3-206
- Authorities:
  - AR 215-1
  - DoDI 1015.10
  - Deputy Secretary of Defense Memo of March 25, 2004

Logistical Support

- JER 3-211 permits heads of DoD organizations and commands to render logistical support to non-Federal entity events (NOT fundraising)
- Army OGC 19 August 2004 Memo reiterates Logistical Support Requirements

JER 3-211 Requirements

- Support does not interfere with performance of duties or readiness
- DoD community relations are served by the support
- It is appropriate to associate DoD/DA
- The event is of interest and benefit to the local civilian community

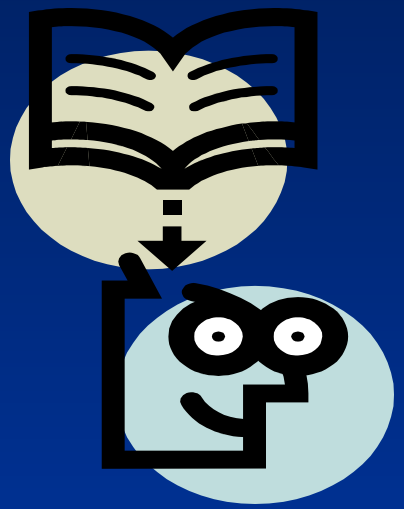
Yes, there’s more

JER 3-211 Requirements

- The Command is able and willing to provide the same or similar support to comparable events
- The support is not restricted by other statutes or regulations
- No admission fees beyond what will cover the reasonable costs is charged.

JER 3-211 Analysis

- Must address all elements
- Written documentation of the analysis, signed by the Commander
- Be thorough !!!



WAGs – The Real Story…

- Organizations offer free attendance to dinners and other social gatherings
- Generally would be considered an impermissible gift, but 5 CFR 2635.204(g) creates an exception
- The exception is not a “blank-check”

WAGs – The Rest of the Story…

- Since free attendance is an excepted gift to the individual, the Soldier must be in a leave or authorized excused absence status while attending
- No official travel funds may be used to attend
- Recreational or sporting events never qualify as WAG